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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,711	07/10/2006	Paolo Falcioni	108041-19	4344
7590 Patricia A. Sheehan Cesari and McKenna, LLP 88 Black Falcon Avenue Boston, MA 02210				
EXAMINER TUN, NAY L				
ART UNIT 2612				
PAPER NUMBER				
MAIL DATE 03/01/2010				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/585,711

Applicant(s)

FALCIONI ET AL.

Examiner

NAY TUN

Art Unit

2612

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612

/NAY TUN/
Examiner, Art Unit 2612

Continuation of 3. NOTE: Claims 30, 41 and 47 as amended raise new issues that would require further consideration and/or search. The proposed claim 30, 41 and 47 has new issues "storing a plurality of measurements of at least one physical quantity within a predetermined time period, the storing of a last measured value of said at least one physical quantity causing the deletion of a first measured value within said plurality of values in the read and write memory" as amended.

The proposed claim 41 further includes new issues "by comparing a value of said at least one physical quantity with one or more predefined values that relate to values for the treatment being performed by the appliance during said predetermined time period; and extrapolate from said plurality of measurements of said at least one physical quantity a data packet representative of the evolution of said at least one physical quantity within said predefined time period" as amended.

Claims 47 also further includes new issues "electronic control means to transfer one or more of said external measurements and one or more of said internal measurements, over a predetermined time period" and "by comparing a combination of values of at least one physical external quantity, physical internal quantity, and at least one electrical quantity with a reference combination of physical and electrical quantities being the combination that best represents the proper operation of the appliance at that instant in time, and (ii) collect information that allows the system to trace a history of the monitored electric appliance that permits the microprocessor to build in the read and write memory, profiles being indicative of a trend within a predefined time period of a particular physical quantity or typology of information obtained by the microcontroller based upon values detected by the sensors" as amended.

Continuation of 11. does NOT place the application in condition for allowance because:

- (a) the amended claims raise new issues that would require further consideration and/or search as set forth in item 3 above
- (b) in response to the applicants' argument that "Primm is wholly unrelated to household electric appliances" in page 12, even though Primm reference is directed toward the monitoring the appliances such as servers, the function (server or washing machine) and location (office or home) of the monitored appliances do not matter as long as the monitoring system/device can perform the measurements and other features as claimed and
- (c) in response to the applicants' argument that Primm reference teaches away from Applicant's invention in page 13, Primm monitoring system can perform monitoring directly with the monitored appliance as well as through another appliance (FIG. 2 and para. 52) and therefore, another appliance is not required for monitoring.